

A U S T I N C I T Y C O U N C I L

AGENDA



Thursday, September 28, 2006

+ Back Print

**Zoning Ordinances / Restrictive Covenants
 (HEARINGS CLOSED)
 RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 89

Subject: C14-06-0114 - Our Lady Catholic Church - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1320 E. 51st Street (Tannehill Branch Watershed) from family residence (SF-3) district zoning to limited office-conditional overlay (LO-CO) combining district zoning. First reading approved on July 27, 2006. Vote: 7-0. Applicant: Our Lady Catholic Church (Rev. Don J. Sawyer). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Robert Heil, 974-2330.

Additional Backup Material
 (click to open)

- Staff Report
- Ordinance

For More Information: Robert Heil, 974-2330.

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-06-0114 Our Lady Catholic Church

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1320 East 51st Street (Tannehill Branch Watershed) from family residence (SF-3) district zoning to limited office -conditional overlay (LO-CO) combining.

DEPARTMENT COMMENTS:

The property is the site of the Our Lady Catholic Church. The church wishes to rezone the large vacant lot to the north of the existing building, to allow for expansion of the church and additional parking.

APPLICANT/AGENT: Jim Bennett

OWNER: Our Lady Catholic Church (Rev. Don J. Sawyer)

DATE OF FIRST READING: 7/27/06 The first reading of the ordinance for limited office-conditional overlay (LO-CO) combining district zoning and allowing all civic uses was approved on consent. The CO limits uses to all civic uses, prohibits regular access to 52nd street, and limits daily vehicle trips to no more than 2000.

PLANNING COMMISSION ACTION: 7/27/06 LO-CO (Vote 9-0).

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Robert Heil, e-mail: robert.heil@ci.austin.tx.us

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 1320 EAST 51ST STREET FROM FAMILY
3 RESIDENCE (SF-3) DISTRICT TO LIMITED OFFICE-CONDITIONAL
4 OVERLAY (LO-CO) COMBINING DISTRICT.
5

6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
7

8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from family residence (SF-3) district to limited office-conditional
10 overlay (LO-CO) combining district on the property described in Zoning Case No. C14-06-
11 0114, on file at the Neighborhood Planning and Zoning Department, as follows:
12

13 A 5.20 acre tract of land, more or less, out of the James P. Wallace League, Travis
14 County, the tract of land being more particularly described by metes and bounds in
15 Exhibit "A" incorporated into this ordinance (the "Property"),
16

17 locally known as 1320 East 51st Street in the City of Austin, Travis County, Texas, and
18 generally identified in the map attached as Exhibit "B".
19

20 **PART 2.** The Property within the boundaries of the conditional overlay combining district
21 established by this ordinance is subject to the following conditions:
22

23 1. The following uses are prohibited uses of the Property:
24

25 Art gallery	Art workshop
26 Administrative and business offices	Bed and breakfast residential
27 Bed and breakfast residential (Group 2)	(Group 1)
28 Communication services	Food sales
29 Medical offices (exceeding 5,000 sq. ft. of	Medical offices (not exceeding 5,000 sq.
30 of gross floor area)	ft. of gross floor area)
31 Professional office	Software development

32
33 2. A site plan or building permit for the Property may not be approved, released, or issued,
34 if the completed development or uses of the Property, considered cumulatively with all
35 existing or previously authorized development and uses, generate traffic that exceeds
36 2,000 trips per day.
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3. Vehicular access from the Property to 52nd Street is prohibited except for emergency vehicle use. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the limited office (LO) base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

_____, 2006

§
§
§

Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

EXHIBIT A

Description for Zoning Change

METES AND BOUND DESCRIPTION 5.20 ACRES OUT OF THE JAMES P. WALLACE LEAGUE TRAVIS COUNTY, TEXAS

ALL THAT CERTAIN PARCEL OR TRACT OF LAND BEING 5.20 ACRES OUT OF THE JAMES P. WALLACE LEAGUE IN TRAVIS COUNTY, TEXAS, AND BEING THAT SAME TRACT II CALLED 5 ACRES IN A DEED TO DIOCESE OF ST. MARON-U.S.A. RECORDED IN VOLUME 9135, PAGE 407, TRAVIS COUNTY DEED RECORDS, AND CONVEYED BY THE MOST REV. FRANCIS M. ZAYAK, MARONITE CATHOLIC ARCHBISHOP OF THE EPARCHY OF ST. MARON OF BROOKLYN, FORMERLY KNOWN AS THE DIOCESE OF SAINT MARON - USA, TO THE EPARCHY OF OUR LADY OF LEBANON OF LOS ANGELES, RECORDED IN VOLUME 12332, PAGE 207 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 5.20 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found in the north line of Lot 11 of Ridgetop Gardens, a subdivision in Travis County, Texas, of record in Volume 3, Page 50 of the Travis County Plat Records, at the southwest corner of Lot 2 of the United Pentecostal Church Addition, a subdivision in Travis County, Texas, of record in Volume 73, Page 2 of the Travis County Plat Records, at the southeast corner of said 5 acre tract, for the southeast corner and POINT OF BEGINNING hereof

THENCE with the north line of said Ridgetop Gardens Lot 11 and the south line of said 5 acres, N61°47'15"W for a distance of 125.24 feet

to an iron rod found at the common north corner of said Lot 11 and Lot 10 of said Ridgetop Gardens

THENCE continuing with the south line of said 5 acres and the north line of Lot 10 of said Ridgetop Gardens, N60°39'47"W for a distance of 205.43 feet to an iron rod set at the northwest corner of said Lot 10 and northeast corner of Lot 2, Ridgetop Gardens Resubdivision of a part of Lot 9, a subdivision in Travis County, Texas, of record in Volume 97, Page 147 of the Travis County Plat Records

THENCE continuing with the south line of said 5 acres and north line of said Lot 2, N60°00'00"W for a distance of 162.79 feet to an iron rod found at the northwest corner of said Lot 2 and northeast corner of Lot 8A, Resubdivision of a Portion of Lots 8 and 9, Ridgetop Gardens, a subdivision in Travis County, Texas, of record in Volume 23, Page 40 of the Travis County Plat Records

THENCE continuing with the south line of said 5 acres and north line of said Lot 8A, N60°36'19"W for a distance of 56.15 feet to an iron rod set at the southeast corner of the East 52nd Street right-of-way, for the southwest corner of said 5 acres and southwest corner hereof

THENCE with the west line of said 5 acres, east line of East 52nd Street, and then the east line of Lot 7, Ridgetop Gardens Section 2, a subdivision in Travis County, Texas, of record in Volume 6, Page 11 of the Travis County Plat Records, N21°43'04"E for a distance of 220.16 feet to a concrete monument found at the northeast corner of said Lot 7 and southeast corner of a City of Austin Drainageway tract, said Drainageway tract being out of and a part of a tract of land described in a deed to Nash Phillips and Clyde Copus, of record in Volume 1610, Page 463 of the Travis County Deed Records

THENCE continuing with the west line of said 5 acres and east line of said Drainageway tract, N20°44'16"E for a distance of 71.88 feet to an iron rod set at a northeast corner of said Phillips and Copus tract, northeast corner of said City of Austin tract, and southeast corner of Lot 15 of Windsor Park Section 4-A, a subdivision in Travis County, Texas, of record in Volume 7, Page 178 of the Travis County Plat Records

THENCE continuing with the west line of said 5 acres and east line of said Lot 15, N21°24'07"E for a distance of 21.12 feet to an iron rod set at an angle point

THENCE continuing with the west line of said 5 acres and east line of said Lot 15, N22°12'07"E for a distance of 85.40 feet to a point (inaccessible) in the east line of said Lot 15, at the southwest corner of Lot 16 of said Windsor Park Section 4-A, at the northwest corner of said 5 acres, for the northwest corner hereof

THENCE with the south line of said Windsor Park Section 4-A and then the south line of Windsor Park Section 3, a subdivision in Travis County, Texas, of record in Volume 7, Page 100 of the Travis County Plat Records, and with the north line of said 5 acres, S60°00'53"E for a distance of 605.08 feet to a 60d nail found at an ell corner of Lot 49 of said Windsor Park Section 3, at the northeast corner of said 5 acres, for the northeast corner hereof

THENCE with a west line of said Lot 49 and then the west line of said Lot 2 of the United Pentecostal Church Addition, and with the east line of said 5 acres, S29°38'03"W, at a distance of 7.40 feet passing a ¾" iron rod found at a corner of said Lot 49 and the northwest corner of said Lot 2, and continuing on for a total distance of 387.59 feet to the POINT OF BEGINNING hereof and containing 5.20 acres of land, more or less, according to surveys performed on the ground under the supervision of the undersigned from January, 1998 through August, 2003.

Prepared this the 20th day of April, 2006

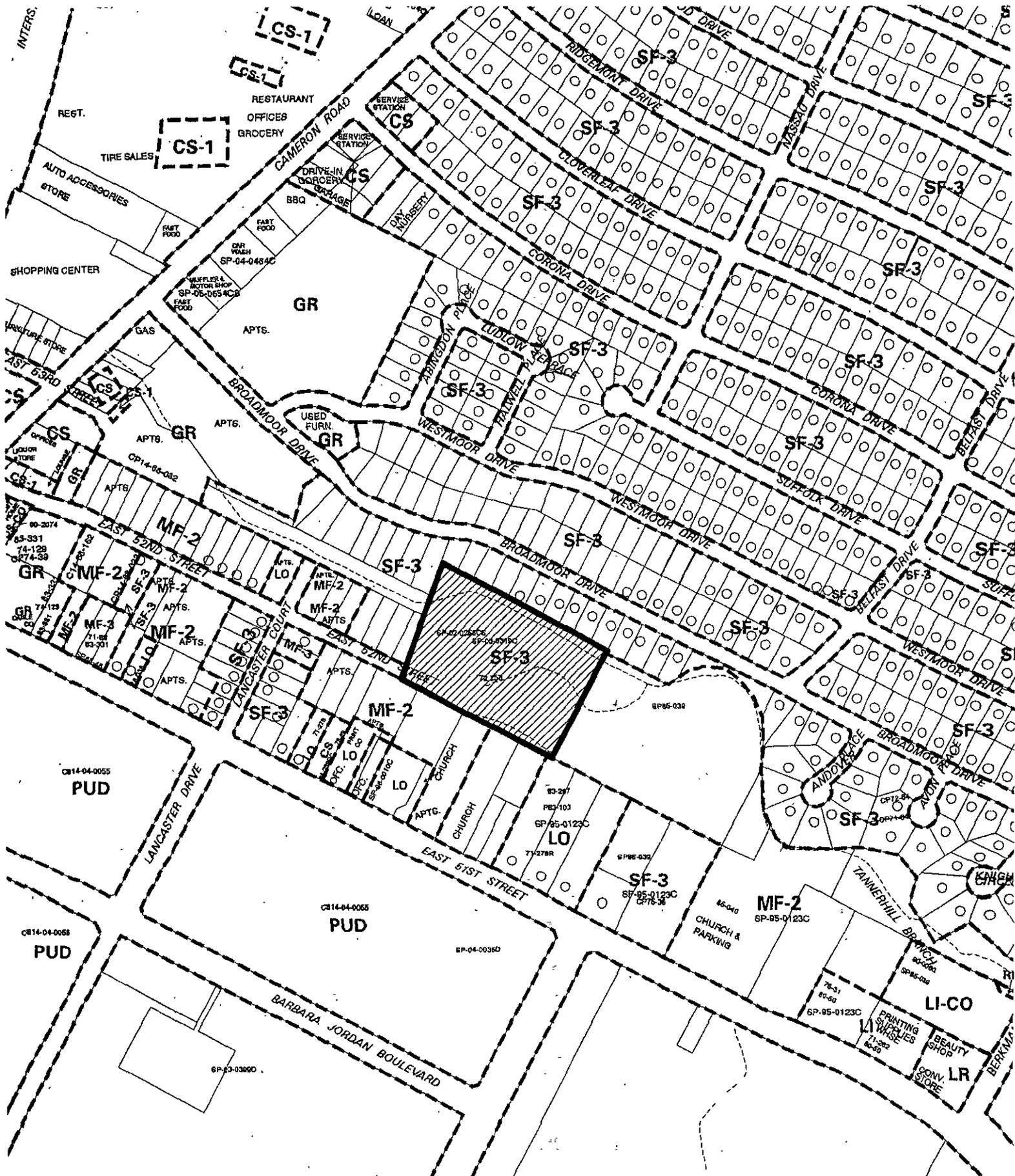


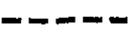
Michael Samford, R.P.L.S. 3693



REFERENCES

TCAD Parcel No. 02-22140515
Austin Grid L25



 1" = 400'	SUBJECT TRACT  PENDING CASE  ZONING BOUNDARY  CASE MGR: R.HEIL	ZONING Exhibit "B" CASE #: C14-06-0114 ADDRESS: 1320 E 51ST ST SUBJECT AREA (acres): 5.200	DATE: 06-05 INTLS: SM	CITY GRID REFERENCE NUMBER L25
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ZONING CHANGE REVIEW SHEET

CASE: C14-06-0114 Our Lady Catholic Church **P.C. Date:** June 27, 2006

ADDRESS: 1320 E. 51st St.

OWNER/APPLICANT/ Our Lady Catholic Church (Rev Don J. Sawyer)

AGENT: Jim Bennett

ZONING FROM: SF-3 **TO:** GR-CO

AREA: 5.2 acres

SUMMARY STAFF RECOMMENDATION:

Staff alternately recommends:

LO-CO with the following conditions:

- Maximum of 2000 daily vehicle trips
- No access to 52nd Street except emergency vehicles as needed
- All uses prohibited except civic uses

PLANNING COMMISSION RECOMMENDATION:

June 27, 2006: Approved LO-CO with the following conditions:

- Maximum of 2000 daily vehicle trips
- No access to 52nd Street except emergency vehicles as needed
- All uses prohibited except religious assembly

[J.REDDY, G.STEGEMAN 2ND] (9-0)

DEPARTMENT COMMENTS:

The property is the site of the Our Lady Catholic Church. The church wishes to rezone the large vacant lot to the north of the existing building, to allow for expansion of the church and additional parking.

The applicant has requested that both religious assembly and educational uses be permitted uses, and is currently still requesting a base district of GR.

The rezoning request is from family residence (SF-3) to community commercial – conditional overlay (GR-CO) combining district zoning. The conditional overlay would limit vehicle trips to no more than 2000 per day. The applicant is also willing to discuss the prohibition of some uses permitted in GR zoning.

Staff alternately recommends:

LO-CO with the following conditions:

- Maximum of 2000 daily vehicle trips
- No access to 52nd Street except emergency vehicles as needed
- All uses prohibited except civic uses

Significant floodplain exists on the site (see attached exhibit). Access to the site is limited to E. 52nd Street or passing through the church property on 51st St. GR zoning is inappropriate for the property.

The site lies within the Windsor Park Neighborhood Planning area which held its first workshop November 5, 2005.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Undeveloped
<i>North</i>	SF-3	Single Family homes
<i>South</i>	MF-2 and LO	Apartments, Churches, and undeveloped
<i>East</i>	SF-3	Undeveloped
<i>West</i>	MF-2 and SF-3	Apartments and Single Family homes.

AREA STUDY: The site lies within the Windsor Park Neighborhood Planning area which held its first workshop November 5, 2005.

TIA: A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

WATERSHED: Tannehill Branch

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS

- Windsor Park Neighborhood Association
- Mueller Neighborhoods Coalition
- Keep the Land
- Anberly Airport Association
- Austin Neighborhood Council
- Taking Action, Inc.
- PODER (People in Defense of Earth and her Resources)

SCHOOLS: (AISD ISD)

Harris Elementary School Pearce Middle School Reagan High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
E. 52 nd Street	45'	30'	Local	No	No	No
E. 51 st Strret	90'	64'	Minor Arterial	Yes	Yes	Priority 1

CITY COUNCIL DATE:

July 27, 2006:

ACTION:

The first reading of the ordinance for limited office-conditional overlay (LO-CO) combining district zoning and allowing all civic uses was approved on consent. The LO-CO limits uses to all civic uses, prohibits regular access to 52nd street, and limits daily vehicle trips to no more than 2000.

September 28, 2006:

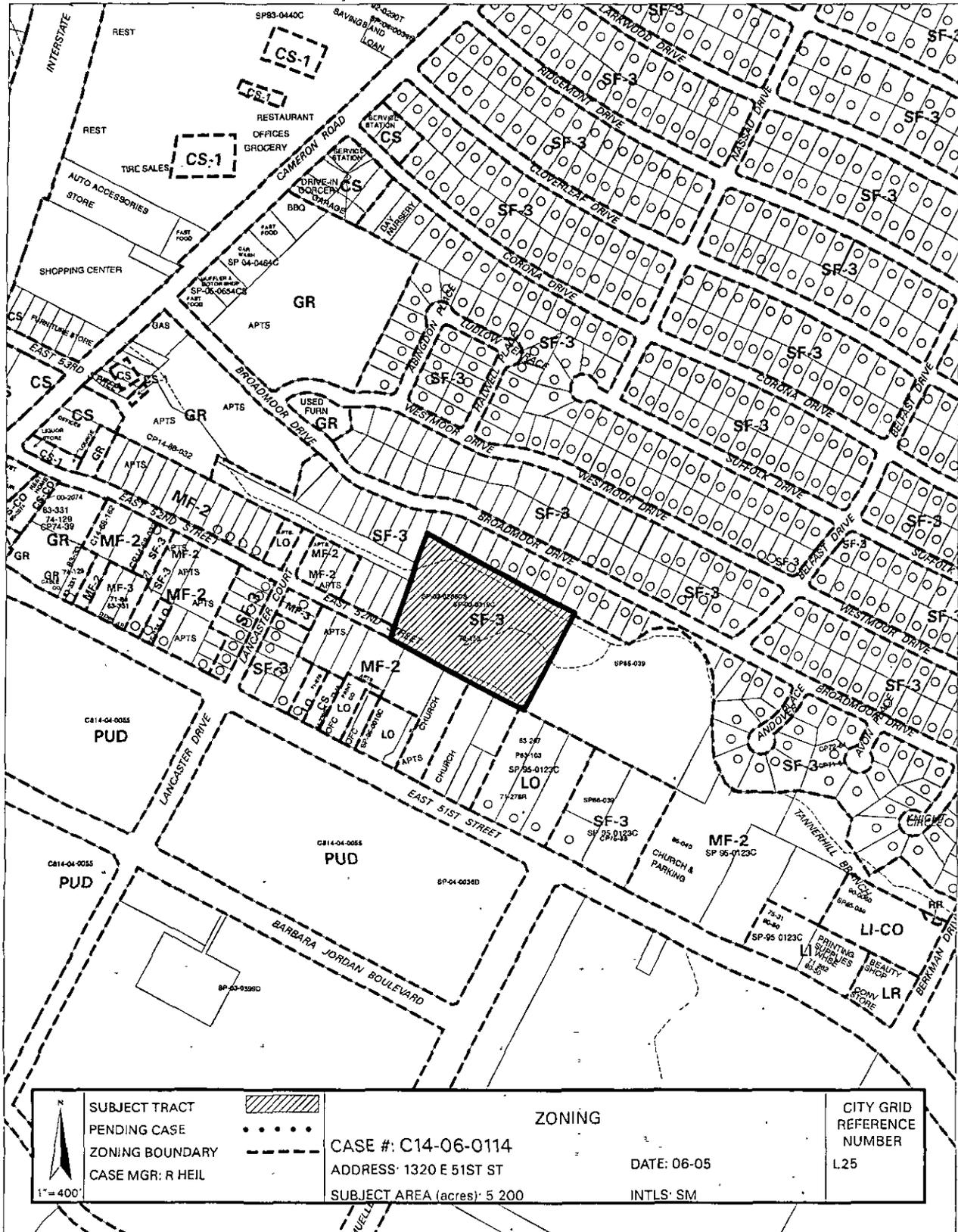
ORDINANCE READINGS:

1st 7/27/06 2nd 3rd

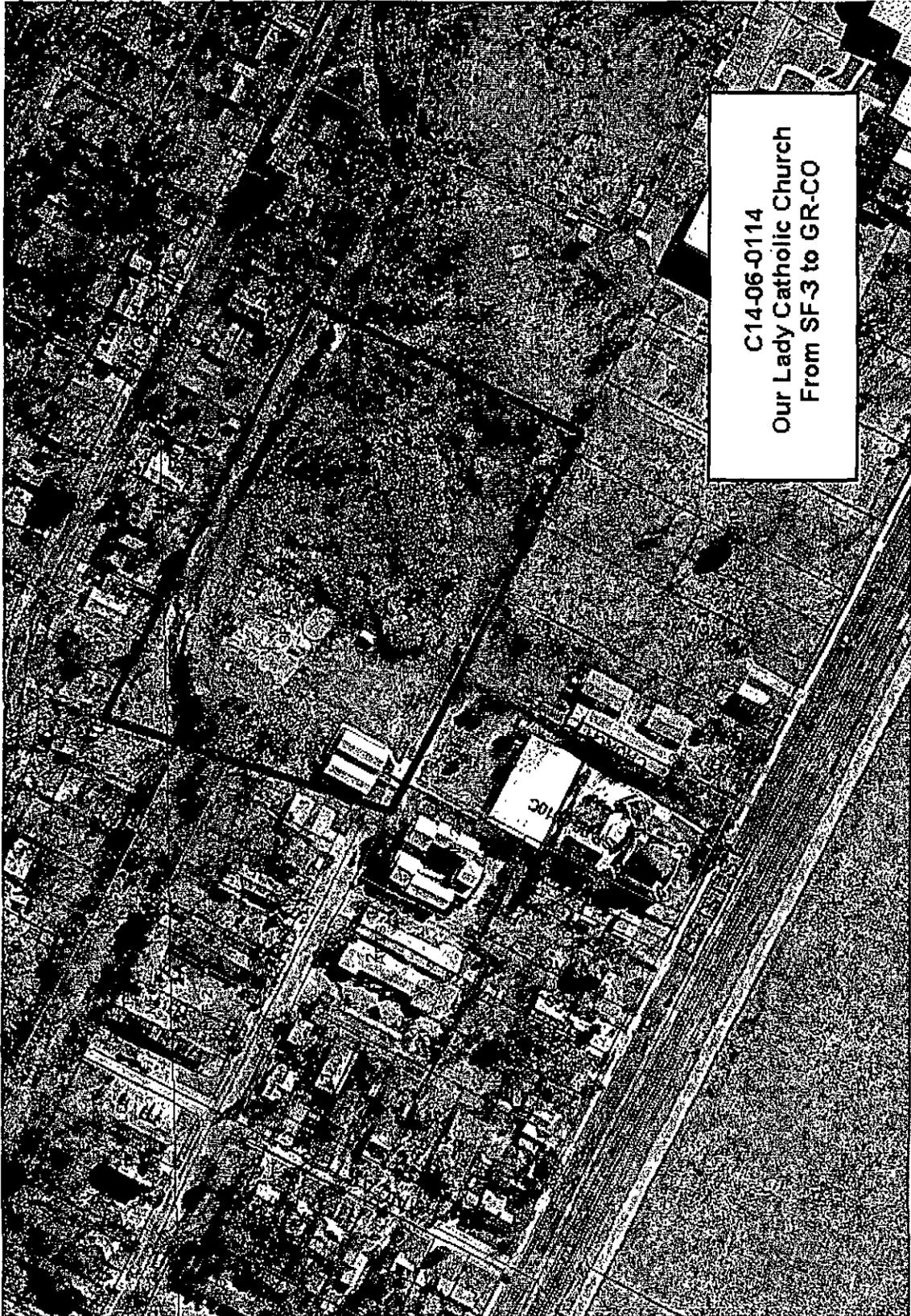
ORDINANCE NUMBER:

CASE MANAGER: Robert Heil
e-mail address: robert.heil@ci.austin.tx.us

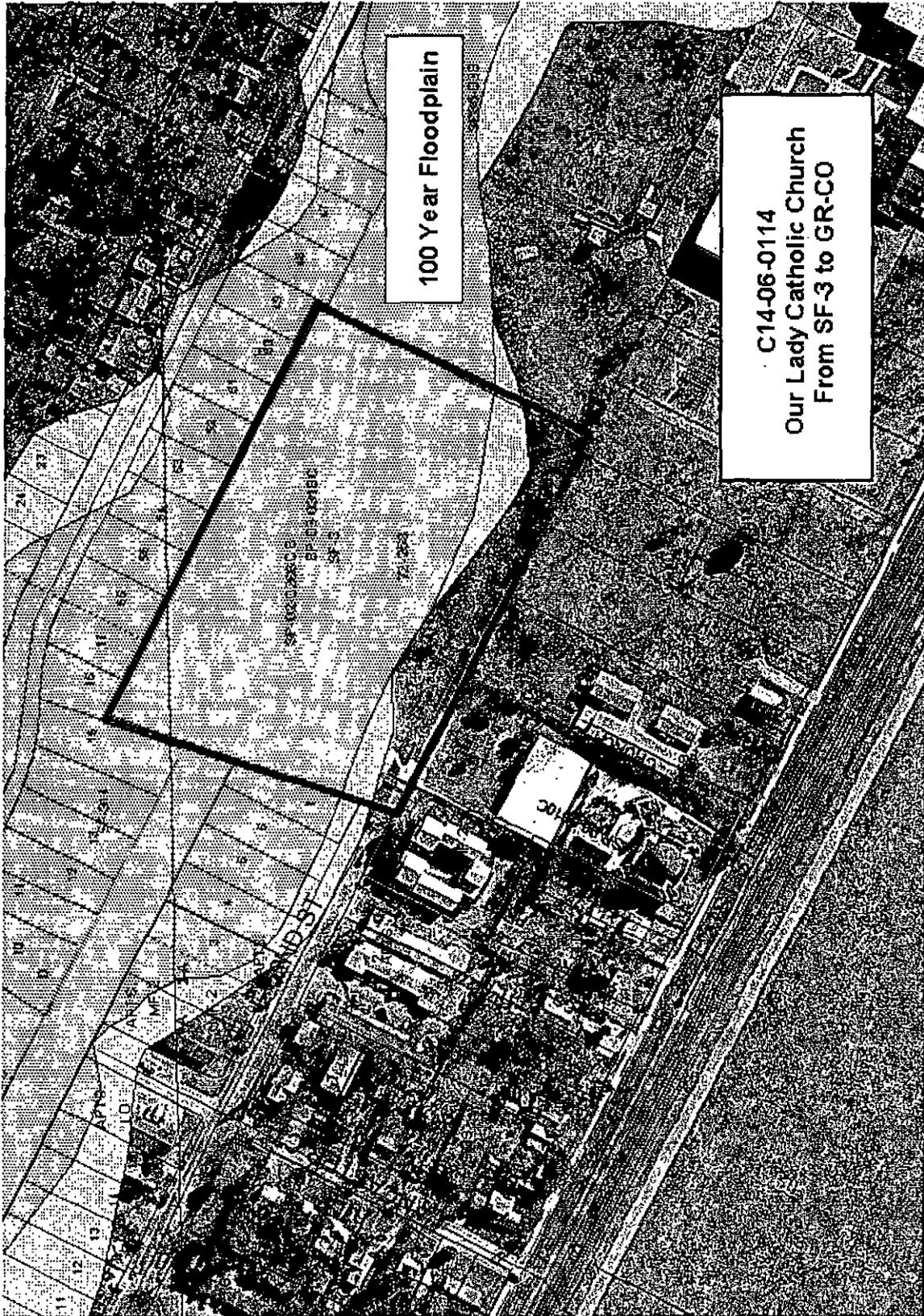
PHONE: 974-2330



	SUBJECT TRACT		ZONING CASE #: C14-06-0114 ADDRESS: 1320 E 51ST ST SUBJECT AREA (acres): 5.200	DATE: 06-05 INTLS: SM	CITY GRID REFERENCE NUMBER L25
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: R HEIL				



C14-06-0114
Our Lady Catholic Church
From SF-3 to GR-CO



100 Year Floodplain

C14-06-0114
Our Lady Catholic Church
From SF-3 to GR-CO

SUMMARY STAFF RECOMMENDATION

Staff alternately recommends:

LO-CO with the following conditions:

- Maximum of 2000 daily vehicle trips
- No access to 52nd Street except emergency vehicles as needed
- All uses prohibited except civic uses

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*

GR, even if the uses were restricted through a conditional overlay, is inappropriate on this property in the interior of the neighborhood and largely within the 100 year floodplain..

EXISTING CONDITIONS

The property is the site of the Our Lady Catholic Church. The church wishes to rezone the large vacant lot to the north of the existing building, to allow for expansion of the church and additional parking.

Site Plan

The site is subject to compatibility standards. Along the north and west property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

All intensive recreational uses (swimming pool, tennis court, ball court, or playground) shall maintain a fifty (50) setback from the north property line which is adjacent to a SF-5 or more restricted use or district. [Section 25-2-1067].

Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 11,554 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
E. 52 nd Street	45'	30'	Local	No	No	No
E. 51 st Street	90'	64'	Minor Arterial	Yes	Yes	Priority 1

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill Branch Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustments are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0114

Contact: Robert Heil, (512) 974-2330

Public Hearing:

June 27, 2006 Planning Commission

Pastor Kenneth Phillips
Your Name (please print)

1504 E. 51st Street, Austin, TX 78723
Your address(es) affected by this application

[Signature]
Signature

June 21, 2006
Date



Comments:

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Robert Heil
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-06-0114

Contact: Robert Heil, (512) 974-2330

Public Hearing:

June 27, 2006 Planning Commission

DALE COLVIS
Your Name (please print)

1400 E. SIST ST. AUSTIN, TX.

Your address(es) affected by this application

Dale Colvis

Signature

Date

6/23/06

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

